

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 286

Introduced by Senator ~~Cox~~ Lowenthal

February 16, 2005

~~An act relating to bridges.~~ *An act to amend Sections 65301, 65583, 65583.1 and 65588 of the Government Code, to amend Sections 17021.6, 18909, 33760, 34312, and 52080 of, and to amend and renumber Section 50558 of, the Health and Safety Code, relating to local planning.*

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as amended, ~~Cox Lowenthal. Folsom Bridge.~~ *Local planning: housing.*

(1) The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs.

The Planning and Zoning Law specifies the dates of revision for the housing element and prescribes the time periods for the submission of draft and adopted local general plan housing elements to the Department of Housing and Community Development and for the review of those elements by the department. That law also authorizes the department to allow a city or county to substitute the provision of units for up to 25% of its obligation to identify adequate sites for any income category in its housing element if specified criteria are met.

This bill would delete obsolete references and make technical nonsubstantive changes to those provisions.

The bill would also make other conforming changes to these provisions.

(2) The Employee Housing Act deems employee housing providing accommodations for 12 or fewer employees an agricultural land use for designated purposes.

This bill would make a conforming change to those provisions.

(3) The State Building Standards Law provides that the definition of “building standard” does not include, among other things, any regulation, rule, or order or standard that pertains to a recreational vehicle park, temporary recreational vehicle park, or travel trailer park, except as specified.

This bill would instead provide that “building standard” does not include any regulation, rule, or order or standard that pertains to a special occupancy park.

(4) Existing law authorizes a redevelopment agency and a housing authority to issue bonds to provide financing for the acquisition, construction, rehabilitation, refinancing, or development of units reserved for occupancy by low- or very low income households and financed with proceeds of the bonds issued on or after January 1, 2006.

This bill would also apply these provisions to bonds refunded on or after January 1, 2006.

(5) Existing law requires the former Commission of the Department of Housing and Community Development to prepare and adopt minimum standards regulating the use and application of cellular concrete, as specified.

This bill would renumber this provision and transfer responsibility to the department.

(6) Existing law authorizes any city or county to issue revenue bonds on or after January 1, 1991, for the purpose of providing financing for multifamily rental housing, and capital improvements related to that housing.

This bill would also apply these provisions to bonds refunded on or after January 1, 1991.

~~(1) The Bridge Reconstruction and Replacement Act requires the Department of Transportation to recommend state and local bridge projects and authorizes the department to take other action within the powers conferred on it by law. The act also requires the department, with its available resources, to expedite bridge replacement projects in~~

~~order that federal funds can be used to full advantage as soon as they become available.~~

~~Existing federal law authorizes the American River Bridge Crossing Project, Folsom, located in the City of Folsom, Sacramento County.~~

~~This bill would require any state or local agency to process an initial application for the review of any aspect of that project within 75 calendar days from the date the initial application is received. The bill would provide that if the initial application is not approved, rejected, or processed by the 76th day after it is received by the state or local agency, it shall be deemed approved and no further action is required of the applicant or the agency.~~

~~The bill would also require a state or local agency to process subsequent reviews within 30 calendar days from the date the application is resubmitted, and if the resubmitted application is not approved, rejected, or processed by the 31st day after it is received, it shall be deemed approved and no further action is required.~~

~~By imposing new duties on local public agencies, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 65301 of the Government Code is*
- 2 *amended to read:*
- 3 65301. (a) The general plan shall be so prepared that all or
- 4 individual elements of it may be adopted by the legislative body,
- 5 and so that it may be adopted by the legislative body for all or
- 6 part of the territory of the county or city and ~~such~~ any other
- 7 territory outside its boundaries ~~which~~ that in its judgment bears
- 8 relation to its planning. The general plan may be adopted in any
- 9 format deemed appropriate or convenient by the legislative body,

1 including the combining of elements. The legislative body may
2 adopt all or part of a plan of another public agency in satisfaction
3 of all or part of the requirements of Section 65302 if the plan of
4 the other public agency is sufficiently detailed and its contents
5 are appropriate, as determined by the legislative body, for the
6 adopting city or county.

7 (b) The general plan may be adopted as a single document or
8 as a group of documents relating to subjects or geographic
9 segments of the planning area.

10 (c) The general plan shall address each of the elements
11 specified in Section 65302 to the extent that the subject of the
12 element exists in the planning area. The degree of specificity and
13 level of detail of the discussion of each such element shall reflect
14 local conditions and circumstances. However, this section shall
15 not affect the requirements of subdivision (c) of Section 65302,
16 nor be construed to expand or limit the authority of the
17 Department of Housing and Community Development to review
18 housing elements pursuant to *Section 65585 of this code or*
19 *Section 50459 of the Health and Safety Code.*

20 The requirements of this section shall apply to charter cities.

21 *SEC. 2. Section 65583 of the Government Code is amended to*
22 *read:*

23 65583. The housing element shall consist of an identification
24 and analysis of existing and projected housing needs and a
25 statement of goals, policies, quantified objectives, financial
26 resources, and scheduled programs for the preservation,
27 improvement, and development of housing. The housing element
28 shall identify adequate sites for housing, including rental
29 housing, factory-built housing, and mobilehomes, and shall make
30 adequate provision for the existing and projected needs of all
31 economic segments of the community. The element shall contain
32 all of the following:

33 (a) An assessment of housing needs and an inventory of
34 resources and constraints relevant to the meeting of these needs.
35 The assessment and inventory shall include all of the following:

36 (1) An analysis of population and employment trends and
37 documentation of projections and a quantification of the
38 locality's existing and projected housing needs for all income
39 levels. These existing and projected needs shall include the

1 locality's share of the regional housing need in accordance with
2 Section 65584.

3 (2) An analysis and documentation of household
4 characteristics, including level of payment compared to ability to
5 pay, housing characteristics, including overcrowding, and
6 housing stock condition.

7 (3) An inventory of land suitable for residential development,
8 including vacant sites and sites having potential for
9 redevelopment, and an analysis of the relationship of zoning and
10 public facilities and services to these sites.

11 (4) An analysis of potential and actual governmental
12 constraints upon the maintenance, improvement, or development
13 of housing for all income levels and for persons with disabilities
14 as identified in the analysis pursuant to paragraph (6), including
15 land use controls, building codes and their enforcement, site
16 improvements, fees and other exactions required of developers,
17 and local processing and permit procedures. The analysis shall
18 also demonstrate local efforts to remove governmental
19 constraints that hinder the locality from meeting its share of the
20 regional housing need in accordance with Section 65584 and
21 from meeting the need for housing for persons with disabilities
22 identified pursuant to paragraph (6).

23 (5) An analysis of potential and actual nongovernmental
24 constraints upon the maintenance, improvement, or development
25 of housing for all income levels, including the availability of
26 financing, the price of land, and the cost of construction.

27 (6) An analysis of any special housing needs, such as those of
28 the elderly, persons with disabilities, large families, farmworkers,
29 families with female heads of households, and families and
30 persons in need of emergency shelter.

31 ~~(7) An analysis of opportunities for energy conservation with~~
32 ~~respect to residential development.~~

33 ~~(8)~~

34 (7) An analysis of existing assisted housing developments that
35 are eligible to change from low-income housing uses during the
36 next 10 years due to termination of subsidy contracts, mortgage
37 prepayment, or expiration of restrictions on use. "Assisted
38 housing developments," for the purpose of this section, shall
39 mean multifamily rental housing that receives governmental
40 assistance under federal programs listed in subdivision (a) of

1 Section 65863.10, state and local multifamily revenue bond
2 programs, local redevelopment programs, the federal Community
3 Development Block Grant Program, or local in-lieu fees.
4 “Assisted housing developments” shall also include multifamily
5 rental units that were developed pursuant to a local inclusionary
6 housing program or used to qualify for a density bonus pursuant
7 to Section 65916.

8 (A) The analysis shall include a listing of each development
9 by project name and address, the type of governmental assistance
10 received, the earliest possible date of change from low-income
11 use and the total number of elderly and nonelderly units that
12 could be lost from the locality’s low-income housing stock in
13 each year during the 10-year period. For purposes of state and
14 federally funded projects, the analysis required by this
15 subparagraph need only contain information available on a
16 statewide basis.

17 (B) The analysis shall estimate the total cost of producing new
18 rental housing that is comparable in size and rent levels, to
19 replace the units that could change from low-income use, and an
20 estimated cost of preserving the assisted housing developments.
21 This cost analysis for replacement housing may be done
22 aggregately for each five-year period and does not have to
23 contain a project-by-project cost estimate.

24 (C) The analysis shall identify public and private nonprofit
25 corporations known to the local government which have legal
26 and managerial capacity to acquire and manage these housing
27 developments.

28 (D) The analysis shall identify and consider the use of all
29 federal, state, and local financing and subsidy programs which
30 can be used to preserve, for lower income households, the
31 assisted housing developments, identified in this paragraph,
32 including, but not limited to, federal Community Development
33 Block Grant Program funds, tax increment funds received by a
34 redevelopment agency of the community, and administrative fees
35 received by a housing authority operating within the community.
36 In considering the use of these financing and subsidy programs,
37 the analysis shall identify the amounts of funds under each
38 available program which have not been legally obligated for
39 other purposes and which could be available for use in preserving
40 assisted housing developments.

1 (b) (1) A statement of the community's goals, quantified
2 objectives, and policies relative to the maintenance, preservation,
3 improvement, and development of housing.

4 (2) It is recognized that the total housing needs identified
5 pursuant to subdivision (a) may exceed available resources and
6 the community's ability to satisfy this need within the content of
7 the general plan requirements outlined in Article 5 (commencing
8 with Section 65300). Under these circumstances, the quantified
9 objectives need not be identical to the total housing needs. The
10 quantified objectives shall establish the maximum number of
11 housing units by income category that can be constructed,
12 rehabilitated, and conserved over a five-year time period.

13 (c) A program which sets forth a five-year schedule of actions
14 the local government is undertaking or intends to undertake to
15 implement the policies and achieve the goals and objectives of
16 the housing element through the administration of land use and
17 development controls, provision of regulatory concessions and
18 incentives, and the utilization of appropriate federal and state
19 financing and subsidy programs when available and the
20 utilization of moneys in a low- and moderate-income housing
21 fund of an agency if the locality has established a redevelopment
22 project area pursuant to the Community Redevelopment Law
23 (Division 24 (commencing with Section 33000) of the Health and
24 Safety Code). In order to make adequate provision for the
25 housing needs of all economic segments of the community, the
26 program shall do all of the following:

27 (1) Identify actions that will be taken to make sites available
28 during the planning period of the general plan with appropriate
29 zoning and development standards and with services and
30 facilities to accommodate that portion of the city's or county's
31 share of the regional housing need for each income level that
32 could not be accommodated on sites identified in the inventory
33 completed pursuant to paragraph (3) of subdivision (a) without
34 rezoning, and to comply with the requirements of Section
35 65584.09. Sites shall be identified as needed to facilitate and
36 encourage the development of a variety of types of housing for
37 all income levels, including multifamily rental housing,
38 factory-built housing, mobilehomes, housing for agricultural
39 employees, emergency shelters, and transitional housing.

1 (A) Where the inventory of sites, pursuant to paragraph (3) of
2 subdivision (a), does not identify adequate sites to accommodate
3 the need for groups of all household income levels pursuant to
4 Section 65584, the program shall identify sites that can be
5 developed for housing within the planning period pursuant to
6 subdivision (h) of Section 65583.2.

7 (B) Where the inventory of sites pursuant to paragraph (3) of
8 subdivision (a) does not identify adequate sites to accommodate
9 the need for farmworker housing, the program shall provide for
10 sufficient sites to meet the need with zoning that permits
11 farmworker housing use by right, including density and
12 development standards that could accommodate and facilitate the
13 feasibility of the development of farmworker housing for low-
14 and very low income households.

15 (2) Assist in the development of adequate housing to meet the
16 needs of low- and moderate-income households.

17 (3) Address and, where appropriate and legally possible,
18 remove governmental constraints to the maintenance,
19 improvement, and development of housing, including housing for
20 all income levels and housing for persons with disabilities. The
21 program shall remove constraints to, or provide reasonable
22 accommodations for housing designed for, intended for
23 occupancy by, or with supportive services for, persons with
24 disabilities.

25 (4) Conserve and improve the condition of the existing
26 affordable housing stock, which may include addressing ways to
27 mitigate the loss of dwelling units demolished by public or
28 private action.

29 (5) Promote housing opportunities for all persons regardless of
30 race, religion, sex, marital status, ancestry, national origin, color,
31 familial status, or disability.

32 (6) (A) Preserve for lower income households the assisted
33 housing developments identified pursuant to paragraph (8) of
34 subdivision (a). The program for preservation of the assisted
35 housing developments shall utilize, to the extent necessary, all
36 available federal, state, and local financing and subsidy programs
37 identified in paragraph (8) of subdivision (a), except where a
38 community has other urgent needs for which alternative funding
39 sources are not available. The program may include strategies
40 that involve local regulation and technical assistance.

(B) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

~~(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by July 1, 1992.~~

~~(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between July 1, 1992, and the next periodic review and revision required by Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code.~~

SEC. 3. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

1 (C) Demonstrate that the units meet the requirements of
2 paragraph (2).

3 (2) Only units that comply with subparagraph (A), (B), or (C)
4 qualify for inclusion in the housing element program described in
5 paragraph (1), as follows:

6 (A) Units that are to be substantially rehabilitated with
7 committed assistance from the city or county and constitute a net
8 increase in the community's stock of housing affordable to low-
9 and very low income households. For purposes of this
10 subparagraph, a unit is not eligible to be "substantially
11 rehabilitated" unless all of the following requirements are met:

12 (i) At the time the unit is identified for substantial
13 rehabilitation, (I) the local government has determined that the
14 unit is at imminent risk of loss to the housing stock, (II) the local
15 government has committed to provide relocation assistance
16 pursuant to Chapter 16 (commencing with Section 7260) of
17 Division 7 of Title 1 to any occupants temporarily or
18 permanently displaced by the rehabilitation or code enforcement
19 activity, or the relocation is otherwise provided prior to
20 displacement either as a condition of receivership, or provided by
21 the property owner or the local government pursuant to Article
22 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of
23 Division 13 of the Health and Safety Code, or as otherwise
24 provided by local ordinance; provided the assistance includes not
25 less than the equivalent of four months' rent and moving
26 expenses and comparable replacement housing consistent with
27 the moving expenses and comparable replacement housing
28 required pursuant to Section 7260, (III) the local government
29 requires that any displaced occupants will have the right to
30 reoccupy the rehabilitated units, and (IV) the unit has been found
31 by the local government or a court to be unfit for human
32 habitation due to the existence of at least four violations of the
33 conditions listed in subdivisions (a) to (g), inclusive, of Section
34 17995.3 of the Health and Safety Code.

35 (ii) The rehabilitated unit will have long-term affordability
36 covenants and restrictions that require the unit to be available to,
37 and occupied by, persons or families of low- or very low income
38 at affordable housing costs for at least 20 years or the time period
39 required by any applicable federal or state law or regulation.

1 (iii) Prior to initial occupancy after rehabilitation, the local
2 code enforcement agency shall issue a certificate of occupancy
3 indicating compliance with all applicable state and local building
4 code and health and safety code requirements.

5 (B) Units that are located in a multifamily rental housing
6 complex of four or more units, are converted with committed
7 assistance from the city or county from nonaffordable to
8 affordable by acquisition of the unit or the purchase of
9 affordability covenants and restrictions for the unit, are not
10 acquired by eminent domain, and constitute a net increase in the
11 community's stock of housing affordable to low- and very low
12 income households. For purposes of this subparagraph, a unit is
13 not converted by acquisition or the purchase of affordability
14 covenants unless all of the following occur:

15 (i) The unit is made available at a cost affordable to low- or
16 very low income households.

17 (ii) At the time the unit is identified for acquisition, the unit is
18 not available at an affordable housing cost to either of the
19 following:

20 (I) Low-income households, if the unit will be made
21 affordable to low-income households.

22 (II) Very low income households, if the unit will be made
23 affordable to very low income households.

24 (iii) At the time the unit is identified for acquisition the unit is
25 not occupied by low- or very low income households or if the
26 acquired unit is occupied, the local government has committed to
27 provide relocation assistance prior to displacement, if any,
28 pursuant to Chapter 16 (commencing with Section 7260) of
29 Division 7 of Title 1 to any occupants displaced by the
30 conversion, or the relocation is otherwise provided prior to
31 displacement; provided the assistance includes not less than the
32 equivalent of four months rent and moving expenses and
33 comparable replacement housing consistent with the moving
34 expenses and comparable replacement housing required pursuant
35 to Section 7260.

36 (iv) The unit is in decent, safe, and sanitary condition at the
37 time of occupancy.

38 (v) The unit has long-term affordability covenants and
39 restrictions that require the unit to be affordable to persons of
40 low- or very low income for not less than 55 years.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to and reserved for occupancy by persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) ~~The unit is multifamily rental housing that receives governmental assistance under any of the following state and federal programs: Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)); Section 236 of the National Housing Act (12 U.S.C. Sec. 1715z-1); Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q); for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s); under Section 515 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485); and any new construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f); any state and local multifamily revenue bond programs; local redevelopment programs; the federal Community Development Block Grant Program; and other local housing assistance programs or units that were used to qualify for a density bonus pursuant to Section 65916 within an “assisted housing development,” as defined in paragraph (3) of subdivision (a) of Section 65863.10.~~

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

1 (v) At the time the unit is identified for preservation it is
2 available at affordable cost to persons or families of low- or very
3 low income.

4 (3) This subdivision does not apply to any city or county that,
5 during the current or immediately prior planning period, as
6 defined by Section 65588, has not met any of its share of the
7 regional need for affordable housing, as defined in Section
8 65584, for low- and very low income households. A city or
9 county shall document for any such housing unit that a building
10 permit has been issued and all development and permit fees have
11 been paid or the unit is eligible to be lawfully occupied.

12 (4) For purposes of this subdivision, “committed assistance”
13 means that the city or county enters into a legally enforceable
14 agreement during the first two years of the housing element
15 planning period that obligates sufficient available funds to
16 provide the assistance necessary to make the identified units
17 affordable and that requires that the units be made available for
18 occupancy within two years of the execution of the agreement.
19 “Committed assistance” does not include tenant-based rental
20 assistance.

21 (5) For purposes of this subdivision, “net increase” includes
22 only housing units provided committed assistance pursuant to
23 subparagraph (A) or (B) of paragraph (2) in the current planning
24 period, as defined in Section 65588, that were not provided
25 committed assistance in the immediately prior planning period.

26 (6) For purposes of this subdivision, “the time the unit is
27 identified” means the earliest time when any city or county agent,
28 acting on behalf of a public entity, has proposed in writing or has
29 proposed orally or in writing to the property owner, that the unit
30 be considered for substantial rehabilitation, acquisition, or
31 preservation.

32 (7) On July 1 of the third year of the planning period, as
33 defined by Section 65588, in the report required pursuant to
34 Section 65400, each city or county that has included in its
35 housing element a program to provide units pursuant to
36 subparagraph (A), (B), or (C) of paragraph (2) shall report in
37 writing to the legislative body, and to the department within 30
38 days of making its report to the legislative body, on its progress
39 in providing units pursuant to this subdivision. The report shall
40 identify the specific units for which committed assistance has

1 been provided or which have been made available to low- and
2 very low income households, and it shall adequately document
3 how each unit complies with this subdivision. If, by July 1 of the
4 third year of the planning period, the city or county has not
5 entered into an enforceable agreement of committed assistance
6 for all units specified in the programs adopted pursuant to
7 subparagraph (A), (B), or (C) of paragraph (2), the city or county
8 shall, not later than July 1 of the fourth year of the planning
9 period, adopt an amended housing element in accordance with
10 Section 65585, identifying additional adequate sites pursuant to
11 paragraph (1) of subdivision (c) of Section 65583 sufficient to
12 accommodate the number of units for which committed
13 assistance was not provided. If a city or county does not amend
14 its housing element to identify adequate sites to address any
15 shortfall, or fails to complete the rehabilitation, acquisition,
16 purchase of affordability covenants, or the preservation of any
17 housing unit within two years after committed assistance was
18 provided to that unit, it shall be prohibited from identifying units
19 pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the
20 housing element that it adopts for the next planning period, as
21 defined in Section 65588, above the number of units actually
22 provided or preserved due to committed assistance.

23 *SEC. 4. Section 65588 of the Government Code is amended to*
24 *read:*

25 65588. (a) Each local government shall review its housing
26 element as frequently as appropriate to evaluate all of the
27 following:

28 (1) The appropriateness of the housing goals, objectives, and
29 policies in contributing to the attainment of the state housing
30 goal.

31 (2) The effectiveness of the housing element in attainment of
32 the community's housing goals and objectives.

33 (3) The progress of the city, county, or city and county in
34 implementation of the housing element.

35 (b) The housing element shall be revised as appropriate, but
36 not less than every five years, to reflect the results of this
37 periodic review.

38 (c) The review and revision of housing elements required by
39 this section shall take into account any low- or moderate-income
40 housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, ~~the dates of revisions for the housing element shall be modified as follows~~ *each city, county, and city and county shall revise its housing element according to the following schedule:*

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2000, for the third revision, and June 30, 2006, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2001, for the third revision, and June 30, 2007, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

1 (4) Local governments within the regional jurisdiction of the
2 Association of Monterey Bay Area Governments: December 31,
3 2002, for the third revision, and June 30, 2008, for the fourth
4 revision.

5 (5) Local governments within the regional jurisdiction of the
6 San Diego Association of Governments: December 31, 1999, for
7 the third revision cycle ending June 30, 1999, and June 30, 2005,
8 for the fourth revision.

9 (6) All other local governments: December 31, 2003, for the
10 third revision, and June 30, 2009, for the fourth revision.

11 (7) Subsequent revisions shall be completed not less often than
12 at five-year intervals following the fourth revision.

13 *This subdivision is declaratory of existing law.*

14 *(f) The deadlines imposed by this section are mandatory, not*
15 *directory.*

16 *SEC. 5. Section 17021.6 of the Health and Safety Code is*
17 *amended to read:*

18 17021.6. (a) The owner of any employee housing who has
19 qualified or intends to qualify for a permit to operate pursuant to
20 this part may invoke this section.

21 (b) Any employee housing consisting of no more than 12 beds
22 in a group quarters or 12 units or spaces designed for use by a
23 single family or household shall be deemed an agricultural land
24 use designation for the purposes of this section. For the purpose
25 of all local ordinances, employee housing shall not be deemed a
26 use that implies that the employee housing is an activity that
27 differs in any other way from an agricultural use. No conditional
28 use permit, zoning variance, or other zoning clearance shall be
29 required of this employee housing that is not required of any
30 other agricultural activity in the same zone. The permitted
31 occupancy in employee housing in an agricultural zone shall
32 include agricultural employees who do not work on the property
33 where the employee housing is located.

34 (c) Except as otherwise provided in this part, employee
35 housing consisting of no more than 12 beds in a group quarters or
36 12 units or spaces designed for use by a single family or
37 household shall not be subject to any business taxes, local
38 registration fees, use permit fees, or other fees to which other
39 agricultural activities in the same zone are not likewise subject.
40 Nothing in this subdivision shall be construed to forbid the

1 imposition of local property taxes, fees for water services and
2 garbage collection, fees for normal inspections, local bond
3 assessments, and other fees, charges, and assessments to which
4 other agricultural activities in the same zone are likewise subject.
5 Neither the State Fire Marshal nor any local public entity shall
6 charge any fee to the owner, operator, or any resident for
7 enforcing fire inspection regulation pursuant to state law or
8 regulation or local ordinance, with respect to employee housing
9 ~~that serves 12 or fewer persons~~ *consisting of no more than 12*
10 *beds in a group quarters or 12 units or spaces designed for use*
11 *by a single family or household.*

12 (d) For the purposes of any contract, deed, or covenant for the
13 transfer of real property, employee housing consisting of no more
14 than 12 beds in a group quarters or 12 units or spaces designed
15 for use by a single family or household shall be considered an
16 agricultural use of property, notwithstanding any disclaimers to
17 the contrary. For purposes of this section, “employee housing”
18 includes employee housing defined in subdivision (b) of Section
19 17008, even if the housing accommodations or property are not
20 located in a rural area, as defined by Section 50101.

21 (e) The Legislature hereby declares that it is the policy of this
22 state that each county and city shall permit and encourage the
23 development and use of sufficient numbers and types of
24 employee housing facilities as are commensurate with local need.
25 This section shall apply equally to any charter city, general law
26 city, county, city and county, district, and any other local public
27 entity.

28 (f) If any owner who invokes the provisions of this section
29 fails to maintain a permit to operate pursuant to this part
30 throughout the first 10 consecutive years following the issuance
31 of the original certificate of occupancy, both of the following
32 shall occur:

33 (1) The enforcement agency shall notify the appropriate local
34 government entity.

35 (2) The public agency that has waived any taxes, fees,
36 assessments, or charges for employee housing pursuant to this
37 section may recover the amount of those taxes, fees, assessments,
38 or charges from the landowner, less 10 percent of that amount for
39 each year that a valid permit has been maintained.

1 (g) Subdivision (f) shall not apply to an owner of any
2 prospective, planned, or unfinished employee housing facility
3 who has applied to the appropriate state and local public entities
4 for a permit to construct or operate pursuant to this part prior to
5 January 1, 1996.

6 *SEC. 6. Section 18909 of the Health and Safety Code is*
7 *amended to read:*

8 18909. (a) “Building standard” means any rule, regulation,
9 order, or other requirement, including any amendment or repeal
10 of that requirement, that specifically regulates, requires, or
11 forbids the method of use, properties, performance, or types of
12 materials used in the construction, alteration, improvement,
13 repair, or rehabilitation of a building, structure, factory-built
14 housing, or other improvement to real property, including
15 fixtures therein, and as determined by the commission.

16 (b) Except as provided in subdivision (d), “building standard”
17 includes architectural and design functions of a building or
18 structure, including, but not limited to, number and location of
19 doors, windows, and other openings, stress or loading
20 characteristics of materials, and methods of fabrication,
21 clearances, and other functions.

22 (c) “Building standard” includes a regulation or rule relating to
23 the implementation or enforcement of a building standard not
24 otherwise governed by statute, but does not include the adoption
25 of procedural ordinances by a city or other public agency relating
26 to civil, administrative, or criminal procedures and remedies
27 available for enforcing code violations.

28 (d) “Building standard” does not include any safety
29 regulations that any state agency is authorized to adopt relating to
30 the operation of machinery and equipment used in
31 manufacturing, processing, or fabricating, including, but not
32 limited to, warehousing and food processing operations, but not
33 including safety regulations relating to permanent appendages,
34 accessories, apparatus, appliances, and equipment attached to the
35 building as a part thereof, as determined by the commission.

36 (e) “Building standard” does not include temporary
37 scaffoldings and similar temporary safety devices and
38 procedures, that are used in the erection, demolition, moving, or
39 alteration of buildings.

1 (f) “Building standard” does not include any regulation
2 relating to the internal management of a state agency.

3 (g) “Building standard” does not include any regulation, rule,
4 order, or standard that pertains to mobilehomes, manufactured
5 homes, commercial coaches, special purpose commercial
6 coaches, or recreational vehicles.

7 (h) “Building standard” does not include any regulation, rule,
8 or order or standard that pertains to a mobilehome park;
9 ~~recreational vehicle park, temporary recreational vehicle park, or~~
10 ~~travel trailer park or special occupancy park~~, except that
11 “building standard” includes the construction of permanent
12 buildings and plumbing, electrical, and fuel gas equipment and
13 installations within permanent buildings in a mobilehome ~~parks;~~
14 ~~recreational vehicle parks, temporary recreational vehicle parks,~~
15 ~~or travel trailer parks~~ *park or special occupancy park*. For
16 purposes of this subdivision, “permanent building” means any
17 permanent structure constructed in the mobilehome park;
18 ~~recreational vehicle park, temporary recreational vehicle park, or~~
19 ~~travel trailer park or special occupancy park~~ that is a permanent
20 facility under the control and ownership of the park operator.

21 (i) “Building standard” does not include any regulation, rule,
22 order, or standard that pertains to mausoleums regulated under
23 Part 5 (commencing with Section 9501) of Division 8.

24 (j) “Building standard” does not include any regulation
25 adopted by the California Integrated Waste Management Board,
26 the Department of Toxic Substances Control, the Occupational
27 Safety and Health Standards Board, or the State Water Resources
28 Control Board concerning the discharge of waste to land or the
29 treatment, transfer, storage, resource recovery, disposal, or
30 recycling of the waste.

31 *SEC. 7. Section 33760 of the Health and Safety Code is*
32 *amended to read:*

33 33760. (a) Within its territorial jurisdiction, an agency may
34 determine the location and character of any residential
35 construction to be financed under this chapter and may make
36 mortgage or construction loans to participating parties through
37 qualified mortgage lenders, or purchase mortgage or construction
38 loans without premium made by qualified mortgage lenders to
39 participating parties, or make loans to qualified mortgage
40 lenders, for financing any of the following:

1 (1) Residential construction within a redevelopment project
2 area.

3 (2) Residential construction of residences in which the
4 dwelling units are committed, for the period during which the
5 loan is outstanding, for occupancy by persons or families who are
6 eligible for financial assistance specifically provided by a
7 governmental agency for the benefit of occupants of the
8 residence.

9 (3) To the extent required by Section 103A of Title 26 of the
10 United States Code, as amended, to maintain the exemption from
11 federal income taxes of interest on bonds or notes issued by the
12 agency under this chapter, residences located within targeted
13 areas, as defined by Section 103(b)(12)(A) of Title 26 of the
14 United States Code. Any loans to qualified mortgage lenders
15 shall be made under terms and conditions which, in addition to
16 other provisions as determined by the agency, shall require the
17 qualified mortgage lender to use all of the net proceeds thereof,
18 directly or indirectly, for the making of mortgage loans or
19 construction loans in an appropriate principal amount equal to the
20 amount of the net proceeds. Those mortgage loans may, but need
21 not, be insured.

22 (b) (1) Not less than 20 percent (15 percent in target areas) of
23 the units in any residential project financed pursuant to this
24 section on or after January 1, 1986, shall be occupied by, or made
25 available to, individuals of low and moderate income, as defined
26 by Section 103(b)(12)(C) of Title 26 of the United States Code.
27 If the sponsor elects to establish a base rent for units reserved for
28 lower income households, the base rents shall be adjusted for
29 household size, as determined pursuant to Section 8 of the United
30 States Housing Act of 1937 (42 U.S.C. Sec. 1437f), or its
31 successor, for a family of one person in the case of a studio unit,
32 two persons in the case of a one-bedroom unit, three persons in
33 the case of a two-bedroom unit, four persons in the case of a
34 three-bedroom unit, and five persons in the case of a
35 four-bedroom unit.

36 (2) Not less than one-half of the units described in paragraph
37 (1) shall be occupied by, or made available to, very low income
38 households, as defined by Section 50105. The rental payments
39 for those units paid by the persons occupying the units
40 (excluding any supplemental rental assistance from the state, the

1 federal government, or any other public agency to those persons
2 or on behalf of those units) shall not exceed the amount derived
3 by multiplying 30 percent times 50 percent of the median
4 adjusted gross income for the area, adjusted for family size, as
5 determined pursuant to Section 8 of the United States Housing
6 Act of 1937 (42 U.S.C. Sec. 1437f), or its successor, for a family
7 of one person in the case of a studio unit, two persons in the case
8 of a one-bedroom unit, three persons in the case of a
9 two-bedroom unit, four persons in the case of a three-bedroom
10 unit, and five persons in the case of a four-bedroom unit.

11 (c) Units required to be reserved for occupancy as provided in
12 subdivision (b) and financed with the proceeds of bonds issued
13 on or after January 1, 1986, shall remain occupied by, or made
14 available to, those persons until the bonds are retired.

15 (d) (1) When issuing tax-exempt bonds for purposes of this
16 section, the regulatory agreement entered into by the agency shall
17 require that following the expiration or termination of the
18 qualified project period, except in the event of foreclosure and
19 redemption of the bonds, deed in lieu of foreclosure, eminent
20 domain, or action of a federal agency preventing enforcement,
21 units required to be reserved for occupancy for low- or very low
22 income households and financed with proceeds of bonds issued
23 *or refunded* on or after January 1, 2006, shall remain available to
24 any eligible household occupying a reserved unit at the date of
25 expiration or termination, at a rent not greater than the amount
26 set forth by the regulatory agreement prior to the date or
27 expiration or termination, until the earliest of any of the
28 following occur:

29 (A) The household's income exceeds 140 percent of the
30 maximum eligible income specified in the regulatory agreement
31 for reserved units.

32 (B) The household voluntarily moves or is evicted for "good
33 cause." "Good cause" for the purposes of this section, means the
34 nonpayment of rent or allegation of facts necessary to prove
35 major, or repeated minor, violations of material provisions of the
36 occupancy agreement which detrimentally affect the health and
37 safety of other persons or the structure, the fiscal integrity of the
38 development, or the purposes or special programs of the
39 development.

1 (C) Thirty years after the date of the commencement of the
2 qualified project period.

3 (D) The sponsor pays the relocation assistance and benefits to
4 tenants as provided in subdivision (b) of Section 7264 of the
5 Government Code.

6 (2) As used in this subdivision, “qualified project period” shall
7 have the meaning specified in, and shall be determined in
8 accordance with the provisions of, subsection (d) of Section 142
9 of the Internal Revenue Code of 1986, as amended, and United
10 States Treasury regulations and rulings promulgated pursuant
11 thereto.

12 (3) *The amendment to this subdivision made during the*
13 *2005-06 Regular Session of the Legislature that is set forth in*
14 *paragraph (1) is declaratory of existing law.*

15 (e) This section shall become operative January 1, 1996.

16 SEC. 8. *Section 34312 of the Health and Safety Code is*
17 *amended to read:*

18 34312. Within its area of operation, an authority may
19 undertake any of the following:

20 (a) Prepare, carry out, acquire, lease, and operate housing
21 projects for persons of low income, as authorized by this chapter,
22 and housing developments for persons of low income, as
23 authorized by Part 3 (commencing with Section 50900) of
24 Division 31.

25 (b) Provide for the construction, reconstruction, improvement,
26 alteration, or repair of all or part of any housing project.

27 (c) Provide leased housing to persons of low income.

28 (d) (1) Provide financing for the acquisition, construction,
29 rehabilitation, refinancing, or development of dwelling
30 accommodations for persons of low income, and for other
31 persons when acting pursuant to the authorization contained in
32 Part 13 (commencing with Section 37910) of this division or Part
33 3 (commencing with Section 50900) of Division 31, subject only
34 to the limitations on income of borrowers or residents prescribed
35 by the statutory provisions under which the authority is acting.
36 With respect to financing activities conducted pursuant to Part 3
37 (commencing with Section 50900) or Part 4 (commencing with
38 Section 51600) of Division 31, the authority shall obtain
39 certification as a qualified mortgage lender pursuant to Section
40 50094.

(2) When issuing tax-exempt bonds for purposes of this section, the regulatory agreement entered into by the agency shall require that following the expiration or termination of the qualified project period, except in the event of foreclosure and redemption of the bonds, deed in lieu of foreclosure, eminent domain, or action of a federal agency preventing enforcement, units required to be reserved for occupancy for low- or very low income households and financed with proceeds of bonds issued *or refunded* on or after January 1, 2006, shall remain available to any eligible household occupying a reserved unit at the date of expiration or termination, at a rent not greater than the amount set forth by the regulatory agreement prior to the date of expiration or termination, until the earliest of any of the following occur:

(A) The household's income exceeds 140 percent of the maximum eligible income specified in the regulatory agreement for reserved units.

(B) The household voluntarily moves or is evicted for "good cause." "Good cause" for the purposes of this section, means the nonpayment of rent or allegation of facts necessary to prove major, or repeated minor, violations of material provisions of the occupancy agreement which detrimentally affect the health and safety of other persons or the structure, the fiscal integrity of the development, or the purposes or special programs of the development.

(C) Thirty years after the date of the commencement of the qualified project period.

(D) The sponsor pays the relocation assistance and benefits to tenants as provided in subdivision (b) of Section 7264 of the Government Code.

(3) As used in this subdivision, "qualified project period" shall have the meaning specified in, and shall be determined in accordance with the provisions of, subsection (d) of Section 142 of the Internal Revenue Code of 1986, as amended, and United States Treasury regulations and rulings promulgated pursuant thereto.

(4) The amendment to this subdivision made during the 2005-06 Regular Session of the Legislature that is set forth in paragraph (2) is declaratory of existing law.

1 (e) Provide counseling, referral, and advisory services to
2 persons and families of low or moderate income in connection
3 with the purchase, rental, occupancy, maintenance, or repair of
4 housing.

5 (f) Provide the security which the authority deems necessary
6 for the protection of a project and its inhabitants.

7 (g) Assist housing projects pursuant to Section 34312.3.

8 (h) Acquire, plan, undertake, construct, improve, develop,
9 maintain, and operate land on which mobilehomes or a
10 mobilehome park are, or may be, located, so long as not less than
11 20 percent of the mobilehomes are designated for occupancy by,
12 or are occupied by, persons of low income. For purposes of this
13 subdivision, “mobilehome” has the meaning specified in Section
14 18008, and “mobilehome park” has the meaning specified in
15 Section 18214.

16 *SEC. 9. Section 50558 of the Health and Safety Code is*
17 *amended and renumbered to read:*

18 ~~50558.—~~

19 17921.5. Except as provided in Section 18930, the
20 ~~commission~~ department shall prepare and adopt such minimum
21 standards regulating the use and application of cellular concrete
22 as it determines are reasonably necessary for the protection of
23 life and property.

24 *SEC. 10. Section 52080 of the Health and Safety Code is*
25 *amended to read:*

26 52080. (a) (1) A multifamily rental housing development
27 financed, or for which financing has been extended or committed
28 pursuant to this chapter from the proceeds of sale of each bond
29 issue, shall at all times during the qualified project period meet
30 the requirement of subparagraph (A) or (B), whichever is elected
31 by the issuer at the time of issuance of the issue for each
32 development:

33 (A) Twenty percent or more of the residential units in the
34 development shall be occupied by individuals whose income is
35 50 percent or less of area median income.

36 (B) Forty percent or more of the residential units in the
37 development shall be occupied by individuals whose income is
38 60 percent or less of area median income.

39 As used in this section, “qualified project period,” “income,”
40 and “area median income” shall have the meanings specified in,

1 and shall be determined in accordance with the provisions of,
2 subsection (d) of Section 142 of the Internal Revenue Code of
3 1986, as amended, and United States Treasury regulations and
4 rulings promulgated pursuant thereto.

5 With respect to a development for which the issuer has elected
6 to meet the requirement of subparagraph (A), the rental payments
7 paid by the occupants of the units meeting the requirement of
8 subparagraph (A) (excluding any supplemental rental assistance
9 from the state, the federal government, or any other public
10 agency to those occupants or on behalf of those units) shall not
11 exceed 30 percent of 50 percent of area median income. With
12 respect to a development for which the issuer has elected to meet
13 the requirement of subparagraph (B), the rental payments paid by
14 the occupants of the units meeting the requirement of
15 subparagraph (B) (excluding any supplemental rental assistance
16 from the state, the federal government, or any other public
17 agency to those occupants or on behalf of those units) shall not
18 exceed 30 percent of 60 percent of area median income.

19 (2) The governing body shall ensure that the local agency
20 issuing permits for the acquisition, construction, rehabilitation,
21 refinancing, or development of the multifamily rental housing
22 development shall consider opportunities to contribute to the
23 economic feasibility of the units and to the provision of units for
24 very low income households through concessions and
25 inducements including, but not limited to, the following:

26 (A) Reductions in construction and design requirements.

27 (B) Reductions in setback and square footage requirements
28 and the ratio of vehicular parking spaces that would otherwise be
29 required.

30 (C) Granting density bonuses.

31 (D) Providing expedited processing of permits.

32 (E) Modifying zoning code requirements to allow mixed use
33 zoning.

34 (F) Reducing or eliminating fees and charges for filing and
35 processing applications, petitions, permits, planning services,
36 water and sewer connections, and other fees and charges.

37 (G) Reducing or eliminating requirements relating to monetary
38 exactions, dedications, reservations of land, or construction of
39 public facilities.

(H) Other financial incentives or concessions for the multifamily rental housing development which result in identifiable cost reductions, as determined by the governing body. The governing body shall ensure that the local agency issuing permits for the development considers its responsibilities under this section and makes a good faith effort to enhance the feasibility of the project and to provide housing for lower income households and very low income households.

(3) The governing body shall not permit a selection criteria to be applied to certificate holders under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f) that is more burdensome than the criteria applied to all other prospective tenants.

(4) It is the intent of the Legislature that the governing body finance projects that assist in meeting the urgent need for providing shelter for lower income households, very low income households, and persons and families of low or moderate income. To that end, the quality of materials and the amenities provided should not be excessive so as to hinder the prospect of achieving the stated goal.

(5) It is the intent of the Legislature that the governing body finance projects that assist in meeting the urgent need for providing housing for families. To that end, developments with three- and four-bedroom units affordable to larger families shall have priority over competing developments.

(b) As a condition of financing pursuant to this chapter, the housing sponsor shall enter into a regulatory agreement with the city or county providing that units reserved for occupancy by lower income households remain available on a priority basis for occupancy until the bonds are retired. As a condition of financing provided by bonds issued on or after January 1, 1991, the housing sponsor shall enter into a regulatory agreement with the city or county providing that units reserved for occupancy by lower income households remain available on a priority basis for occupancy for the qualified project period. The regulatory agreement shall contain a provision making the covenants and conditions of the agreement binding upon successors in interest of the housing sponsor. The regulatory agreement shall be recorded in the office of the county recorder of the county in which the multifamily rental housing development is located.

1 The regulatory agreement shall be recorded in the
2 grantor-grantee index to the name of the property owner as
3 grantor and to the name of the city or county as grantee.

4 (c) The governing body shall ensure that units occupied by
5 lower income households are of comparable quality and offer a
6 range of sizes and number of bedrooms comparable to the units
7 that are available to other tenants.

8 (d) (1) The city or county shall give priority to processing
9 construction loans and mortgage loans or may take other steps
10 such as reducing loan fees or other local fees for multifamily
11 rental developments which incorporate innovative and
12 energy-efficient techniques that reduce development or operating
13 costs and that have the lowest feasible per unit cost, as
14 determined by the city or county, based on efficiency of design
15 or the elimination of improvements that are not required by
16 applicable building standards.

17 (2) The city or county shall give equal priority to processing
18 construction loans and mortgage loans or may take other steps
19 such as reducing loan fees or other local fees on multifamily
20 rental housing developments that do any of the following:

21 (A) Utilize federal housing or development assistance.

22 (B) Utilize redevelopment funds or other local financial
23 assistance, including, but not limited to, contributions of land.

24 (C) Are sponsored by a nonprofit housing organization.

25 (D) Provide a significant number of housing units, as
26 determined by the city or county, as part of a coordinated jobs
27 and housing plan adopted by the city or county.

28 (E) Exceeds the ratios specified in subparagraph (A) or (B) of
29 paragraph (1) of subdivision (a) or restricts the occupancy for
30 these units for the longest period beyond the required minimum
31 number of years.

32 (e) (1) New and existing rental housing developments may be
33 syndicated after prior written approval of the governing body.
34 The governing body shall grant that approval only after the city
35 or county determines that the terms and conditions of the
36 syndication comply with this section.

37 (2) The terms and conditions of the syndication shall not
38 reduce or limit any of the requirements of this chapter or
39 regulations adopted or documents executed pursuant to this
40 chapter. No requirements of the city or county shall be

1 subordinated to the syndication agreement. A syndication shall
2 not result in the provision of fewer assisted units, or the reduction
3 of any benefits or services, than were in existence prior to the
4 syndication agreement.

5 (f) At the option of the city or county, the amendments to this
6 subdivision made by Chapter 907 of the Statutes of 1983 may be
7 made applicable to any multifamily rental housing development
8 financed by the issuance, on or after September 3, 1982, of bonds
9 authorized by this chapter.

10 (g) Following the expiration or termination of the qualified
11 project period, except in the event of foreclosure and redemption
12 of the bonds, deed in lieu of foreclosure, eminent domain, or
13 action of a federal agency preventing enforcement, units required
14 to be reserved for occupancy pursuant to subdivision (a) and
15 financed with proceeds of bonds issued *or refunded* on or after
16 January 1, 1991, shall remain available to any eligible household
17 occupying a reserved unit at the date of expiration or termination,
18 at a rent not greater than the amount set forth by subdivision (a),
19 until the earliest of any of the following occur:

20 (1) The household's income exceeds 140 percent of the
21 maximum eligible income specified in subdivision (a).

22 (2) The household voluntarily moves or is evicted for "good
23 cause." "Good cause" for the purposes of this section, means the
24 nonpayment of rent or allegation of facts necessary to prove
25 major, or repeated minor, violations of material provisions of the
26 occupancy agreement which detrimentally affect the health and
27 safety of other persons or the structure, the fiscal integrity of the
28 development, or the purposes or special programs of the
29 development.

30 (3) Thirty years after the date of the commencement of the
31 qualified project period.

32 (4) The sponsor pays the relocation assistance and benefits to
33 tenants as provided in subdivision (b) of Section 7264 of the
34 Government Code.

35 (5) *The amendment to this subdivision made during the*
36 *2005-06 Regular Session of the Legislature is declaratory of*
37 *existing law.*

38 (h) During the three years prior to expiration of the qualified
39 project period, the sponsor shall continue to make available to
40 eligible households reserved units that have been vacated to the

1 same extent that nonreserved units are made available to
2 noneligible households.

3 (i) This section shall not be construed to require a city or
4 county to monitor the sponsor's compliance with the provisions
5 of subdivision (g).

6 (j) The requirements of subdivisions (g) to (i), inclusive, shall
7 be contained in a regulatory agreement required pursuant to
8 subdivision (b).

9 (k) Notwithstanding Section 1461 of the Civil Code, the
10 provisions of this section shall run with the land and may be
11 enforced either in law or in equity by any resident, local agency,
12 entity, or by any other person adversely affected by an owner's
13 failure to comply with this section.

14 ~~SECTION 1. (a) Any state or local agency that receives an~~
15 ~~application for the review of any aspect of the American River~~
16 ~~Bridge Crossing Project, Folsom, which is authorized by the~~
17 ~~United States Congress, and is located in the City of Folsom,~~
18 ~~County of Sacramento, shall process the initial application within~~
19 ~~75 calendar days from the date the initial application is received.~~
20 ~~If the initial application is not approved, rejected, or otherwise~~
21 ~~processed in its entirety by the 76th day after the initial~~
22 ~~application is received by the state or local agency, the initial~~
23 ~~application shall be deemed approved and no further action may~~
24 ~~be required of the applicant or the agency with respect to that~~
25 ~~application.~~

26 ~~(b) Subsequent reviews following the initial reviews, if~~
27 ~~needed, shall be processed within 30 calendar days from the date~~
28 ~~the application is resubmitted. If the resubmitted application is~~
29 ~~not approved, rejected, or otherwise processed in its entirety by~~
30 ~~the 31st day after the resubmitted application is received by the~~
31 ~~state or local agency, the resubmitted application shall be deemed~~
32 ~~approved and no further action may be required of the applicant~~
33 ~~or the agency with respect to that application.~~

34 ~~SEC. 2. If the Commission on State Mandates determines that~~
35 ~~this act contains costs mandated by the state, reimbursement to~~
36 ~~local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

O